

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 6, 2001
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:06 a.m. Mayor Murphy recessed the meeting at 10:45 a.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 10:46 a.m. with all members present and District 6 vacant. The meeting was recessed by Mayor Murphy at 12:00 p.m. to reconvene at 2:00 p.m.

Mayor Murphy reconvened the regular meeting to meet simultaneously with the Redevelopment Agency at 2:05 p.m., with all members present and District 6 vacant. City Attorney Gwinn announced that in Closed Session this morning by an 8 to 0 vote with District 6 vacant, the City Council authorized the filing of 1 lawsuit and that pursuant to Government Code Section 54957.1, the parties in the litigation will be disclosed upon request once the lawsuit has been publically announced and they have filed it, they will provide the nature of it related to a vote in Executive Session this morning. Mayor Murphy adjourned the meeting at 4:54 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council District-Vacant

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Abdelnour (pr/ew)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council District-vacant
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding evolution, and stating that prior to 1972, the regulations for Title 26 were written. Mr. Stillwell expressed that at that time Title 26 covered both the IRS and the ATF. The implementation of the regulations for the ATF evolved into Title 27.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A023-058.)

PUBLIC COMMENT-2:

Comment by Brina-Rae Schuchman regarding the parking downtown, and that she feels it is too limited for the public good.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A059-081.)

PUBLIC COMMENT-3:

Comment by Henry Olivas regarding his concern over the trees being destroyed as well as the crime in Balboa Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A086-126.)

PUBLIC COMMENT-4: **REFERRED TO CCDC/CITY MANAGER**

Comment by Gary Smith regarding the library, train whistles and the three hotels (Capri, State, and Hotel San Diego) in San Diego that the GSA has found to be uninhabitable and are shutting down.

Mayor Murphy stated that the issue of the three hotels being shut down were docketed at the Rules Committee, and suggested Mr. Smith check with the Rules Committee Consultant as to the date that item will be heard.

Council Member Wear addressed the train whistle issue stating that there will be additional requirements the City will have to undertake in order to fix the intersections to avoid the whistles being blown. Council Member Wear stated this issue should be referred to CCDC, and should be part of the City Council process as well.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A126-136; A137-156; A-156-161.)

PUBLIC COMMENT-5:

Comment by Billy Paul regarding Council voting policy, and that he feels Council should “hard line it” to their previous position.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A161-207.)

PUBLIC COMMENT-6:

Comment by Kathleen Blavatt on a Resolution before Council yesterday regarding a five year extension application to the California Technology, Trade and Commerce for the Metropolitan Enterprise Zone.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A207-249.)

PUBLIC COMMENT-7: **REFERRED TO THE CITY MANAGER**

Comment by Beverly Walker regarding the Plan Check Department and ADA issues.

Council Member Atkins stated that several of Ms. Walker’s comments have been asked before, and that she had forwarded a memo to the City Manager regarding that.

The City Manager assured Council Member Atkins there would be a follow-up on Ms. Walker’s issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A250-287; A291-302; A302-310.)

PUBLIC COMMENT-8:

Comment by Joseph Cuseo regarding his concern over homeless issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A310-354.)

COUNCIL COMMENT:

ITEM-CC-1:

Comment by Council Member Wear expressing there were many economic benefits for the City to a base closure including tax credits. Council Member Wear stated that as the City's plan for NTC is implemented, many benefits will occur.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A354-400.)

ITEM-CC-2: **REFERRED TO THE CITY MANAGER**

Comment by Council Member Inzunza regarding NTC and the relocation of the Food Bank. Council Member Inzunza requested information from the City Manager regarding whether or not there were any other options for the Food Bank other than paying market rate rent prices.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A400-444.)

ITEM-CC-3:

Comment by Council Member Peters regarding the fire on Valentines Day in the Bird Rock area, and that it is the time to be looking to improve the look and feel of La Jolla Boulevard in Bird Rock. Council Member Peters stated his staff is setting up meetings the early part of April to address issues concerning architecture, planning, and traffic. Those meetings will be held in the evening hours at the Bird Rock Bar and Grill.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A444-464.)

ITEM-CC-4:

Comment by Council Member Stevens wishing to inform Council regarding areas of the City that qualify for certain funds. Council Member Stevens stated of the Council Districts, Council District 8 is the lowest of the income census track; Council District 3 is second; and Council District 2 is third.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A470-480.)

ITEM-330: Two actions related to Ratification, Validation, or Readoption of Ordinances and Resolutions Related to the Ballpark and Redevelopment Project.

TODAY'S ACTIONS ARE:

Adopt the following ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2001-114) ADOPTED AS ORDINANCE O-18927 (New Series)

(Introduced on 2/6/2001. Council voted 7-0. Districts 6 and 8 vacant.)

Adoption of an Ordinance readopting, validating or ratifying as necessary the following ordinances to reaffirm their validity, and the validity of the contracts and agreements authorized by them, commencing with their respective times of adoption, and to effectuate their continuing validity, and the validity of the contracts and agreements authorized by them: O-18747;

All other official acts taken on behalf of the City as of the respective times of such actions, pursuant to authorizations given by each of the Ordinances, and all other acts of the City, the City Council, and the City's officers, employees or agents implementing, related to or otherwise in furtherance of the Ordinance, MOU, the Project or any of the Ordinances, and to the maximum extent required by law, are hereby validated, ratified and approved, so as to declare their validity, commencing with their respective times of adoption and to effectuate their continuing validity;

It is the intent of the City Council that, as authorized and directed by the Ordinance and MOU, this action is in furtherance of and implements both the Ordinance and MOU and is thus administrative and non-legislative in character;

Authorizing the City Manager, City Attorney, City Clerk, and City Auditor & Comptroller to take any and all necessary or appropriate actions to implement the intent and purpose of this ordinance;

Consistent with Section XXXIII.A of the MOU, the City Council reaffirms and reserves to the City the right to determine that the terms of any City or Agency funding or financing, whether interim or permanent, must be reasonably acceptable to the City, which terms include, but are not limited to, that status of sources of revenue to pay for the funding or financing (including but not limited to hotel rooms, transient occupancy taxes and the investment from the Unified Port District), and any other matter which may affect the City's financing not only of the Project but of any other current or future City project.

Subitem-B: (R-2001-1104 Cor. Copy) ADOPTED AS RESOLUTION R-294638

(Continued from the meeting of February 6, 2001, Item S500b, at the request of the City Attorney and City Manager, to be considered at the same time as the adoption of ordinance O-2001-114.)

Readopting, validating or ratifying as necessary the following resolutions to reaffirm their validity, and the validity of the contracts and agreements authorized by them, commencing with the respective times of adoption, and to effectuate their continuing validity, and the continuing validity of the contracts and agreements authorized by them: Nos. R-292298; R-292440; R-292441; R-292333; R-292615; R-292697; R-292698; R-292699; R-292700; R-292701; R-292702; R-292703; R-292706; R-292707; R-292800; R-293854; and R-294389;

Declaring that with respect to Resolution No. R-291450, the City Council hereby re-adopts, validates, or ratifies that resolution solely to the extent that it authorizes contracts and agreements, and takes such action as necessary to reaffirm the validity of the contracts and agreements authorized by it, commencing with its respective time of adoption, and to effectuate the continuing validity of the contracts and agreements authorized by it;

Declaring that if a final judgement of a court of competent jurisdiction finds or adjudges that all or any portion of Resolution R-291450 is void for any reason, and because of the passage of time and change in circumstances, the City hereby waives any requirement to have received or acted upon the information set forth in that resolution by April 1, 1999;

Declaring that all other official acts taken on behalf of the City as of the respective times of such actions, pursuant to authorization given by each of the Resolutions, and all other actions of the City, the City Council and the City's officers, employees or agents implementing, related to or otherwise in furtherance of the Ordinance, MOU, the Project or any of the Resolutions, and to the maximum extent required by law, are hereby validated, ratified and approved, so as to declare their validity, commencing with their respective times of adoption and to effectuate their continuing validity;

It is the intent of the City Council that, as authorized and directed by the Ordinance and MOU, this action is in furtherance of and implements both the Ordinance and MOU and is thus administrative and non-legislative in character;

Consistent with Section XXXIII.A of the MOU, the City Council reaffirms and reserves to the City the right to determine that the terms of any City or Agency funding or financing, whether interim or permanent, must be reasonably acceptable to the City, which terms include, but are not limited to, that status of sources of revenue to pay for the funding or financing (including, but not limited to, hotel rooms, transient occupancy taxes, and the investment from the Port District), and any other matter which may affect the City's financing not only of the Project but of any other current or future City project;

Authorizing the City Manager, City Attorney, City Clerk and City Auditor & Comptroller to take any and all necessary or appropriate actions to implement the intent and purpose of this resolution.

SUPPORTING INFORMATION:

As directed by the City Council on January 30, 2001, the City Attorney has prepared the necessary action items to ratify and validate previous actions of the City Council authorizing Contracts and Agreements related to the Ballpark and Redevelopment Project. Before the Council today for consideration is one Ordinance of the City, one Resolution of the City, and one Resolution of the Redevelopment Agency, each of which constitutes a ratification of a listed number of Ordinances and Resolutions which previously authorized Contracts and Agreements. The only action recommended for the meeting of February 6, 2001, is the introduction of the City Ordinance; it is recommended that the Resolutions be continued until the Ordinance comes back to Council for adoption so that a single adoption date will exist for each action.

Also as directed, the City Manager and City Attorney will present a comprehensive status report on the Project, including a review of each of the Contracts and Agreements that will be ratified and the circumstances of their original approval. Each of the prior Ordinances and Resolutions, including the Contracts and Agreements they authorized, will be available to the public prior to and at the Council session, and will be provided under separate cover to the City Council prior to the session.

Girard

FILE LOCATION:

SUBITEMS A & B: MEET (64)

COUNCIL ACTION:

(Tape location: B007-C449; D005-G596)

MOTION BY PETERS TO INTRODUCE AND ADOPT ORDINANCE O-2001-114 AND RESOLUTION R-2001-1104. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Extension of Memorandum of Understanding Regarding the Ballpark and Redevelopment Project.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1196) ADOPTED AS RESOLUTION R-294639

Authorizing the City Manager to execute for and on behalf of the City the Second Supplement to the Ballpark and Redevelopment Project Implementation Agreement, extending the Memorandum of Understanding to September 30, 2001;

Authorizing the City Manager to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of this resolution, consistent with the rights and obligations of the City pursuant to Proposition C and the MOU.

SUPPORTING INFORMATION:

The Memorandum of Understanding regarding the Ballpark and Redevelopment Project (MOU) was approved by the electorate on November 3, 1998. The MOU is currently set to expire by March 31, 2001, unless further extended by agreement of the parties. The MOU was originally set to expire on March 31, 2000, unless extended by agreement of the parties. The parties agreed to extend the MOU until September 30, 2000, and further until March 31, 2001, due to the inability of the City to issue its permanent financing to fund its investment in the Project. The City is still unable to issue its financing and it is necessary to further extend the MOU. It is recommended that the extension be sufficient to allow for the City to issue its permanent

financing, but be without prejudice to any parties position with regard to the impact or effect of force majeure events such as pending litigation.

Girard

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: (B007-C449; D005-G596.)

MOTION BY PETERS TO ADOPT RESOLUTION R-2001-1196. Second by Stevens.
Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea,
Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Challenge to the Election of Betty Ens as Residential Tenant/Marina District -
Project Area Committee.

(See memorandum from CCDC dated 1/8/2001. Centre City Redevelopment
Project Area. Districts-2, 3, and 8.)

(Continued from the meeting of February 6, 2001, Item 333, at the request of the
City Manager for further review.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1002) ADOPTED AS RESOLUTION R-294637

Ratifying the election results of November 14-16, 2000, for the Project Area
Committee for the Centre City Redevelopment Project Area.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A500-B003.)

MOTION BY WEAR TO RATIFY THE ELECTION RESULTS. Second by Peters.
Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea,
Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Authorize and Transfer \$4.089 Million in North Bay Bond Proceeds to the City
for the James Edgar and Jean Hervey Library.

(See City Manager Report CMR-01-043. Peninsula/Point Loma Community
Areas. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1166) CONTINUED TO TUESDAY, MARCH 27, 2001

Approving a cooperation agreement with the Redevelopment Agency of the City
of San Diego for the construction of the Point Loma Branch Library in the North
Bay Redevelopment project area; making certain findings with respect thereto;
stating for the record that the Environmental Impact Report prepared by the City
of San Diego (SCH No. 97091022) dated May 4, 1998, and certified by City
Council, has been reviewed and considered prior to approval of the Library, and
directing the City Clerk to file a Notice of Determination; and authorizing
acceptance and expenditure of \$4.089 million of Redevelopment Agency funds
from the Capital Improvements Program Budget for the Point Loma Library
expansion (CIP-350670).

NOTE: See the Redevelopment Agency Agenda of March 6, 2001 for a
companion item.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A480-489.)

CONSENT MOTION BY WEAR TO CONTINUE THIS ITEM TO TUESDAY, MARCH 27, 2001, AT THE REQUEST OF THE CITY MANAGER FOR RE-NOTICING DUE TO DIFFERENT DOLLAR AMOUNTS. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

NONE:

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 4:54 p.m.

<u>FILE LOCATION:</u>	MINUTES
<u>COUNCIL ACTION:</u>	(Tape location: G597).